

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASBERRY DANIELS,

Plaintiff

v.

Case No. 2:17-CV-10269

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

NICKOLAS LESLIE and
HERB BRIGHTON,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO DEPOSE
A PRISONER (DE 27)

Pending is Defendants' January 3, 2019 motion for leave to depose a prisoner. (DE 27.) Defendants contend that, during Plaintiff's December 14, 2018 deposition, he "identified Anthony Chandler as the individual that relayed all of the incidents contained in Plaintiff's complaint" (DE 27 at 4.)

Anthony Chandler (#214582) is currently incarcerated at the MDOC's Chippewa Correctional Facility (URF) in Michigan's Upper Peninsula. *See* www.michigan.gov/corrections, "Offender Search." Permission of the Court to take the deposition is required under Fed. R. Civ. P. 30(a)(2)(B), because the deponent is incarcerated.

Upon consideration, **IT IS HEREBY ORDERED** that Defendants' motion for leave to depose Anthony Chandler (#214582) (DE 27) is **GRANTED**, and

Defendants shall be permitted to take the deposition of the Plaintiff for all purposes allowed by the Federal Rules of Civil Procedure. Although Defendants request to depose Mr. Chandler on January 23, 2019 at URF, the deposition may occur either in person, by telephone, or via video teleconference, at Defendants' option and consistent with the requirements and needs of Plaintiff's place of incarceration. In addition, Defendants shall arrange for Plaintiff to participate, either in person or by teleconference. Finally, while this order provides Defendants with *leave* to depose Mr. Chandler in prison, Mr. Chandler is a non-party; therefore, Defendants remain responsible for issuing a Fed. R. Civ. P. 45 subpoena for his testimony, in the event he does not agree to be deposed.

IT IS SO ORDERED.

Dated: January 8, 2019

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on January 08, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti